

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
23 December 2014**

Agenda Item	6.6
Report No	PLS/099/14

**14/02055/S36 : Falck Renewables Wind Limited  
Millennium Windfarm Glenmoriston  
Report by Head of Planning and Building Standards**

**SUMMARY**

**Description** : Construction of 10 additional wind turbines and ancillary infrastructure (Millennium South Wind Farm).

**Recommendation** : - Raise No Objection.

**Ward** : 13 - Aird And Loch Ness.

**Development category** : Section 36 Application.

**Pre-determination hearing** : None.

**Reason referred to Committee** : Section 36 Application (major in scale).

**1. PROPOSED DEVELOPMENT**

- 1.1 The application is for the construction of 10 additional wind turbines (Millennium South) within the existing Millennium Wind Farm. It has the potential to generate 35MW. It has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry with it deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a consultee on the proposed development.
- 1.2 The proposed development includes the following key elements:
- 10 wind turbines, each 3.5MW and with a height of up to 132m to blade tip.
  - 4.5km of new 6m wide access tracks, with 5 turning areas.
  - 3.7km new 4x4 access tracks 4m in width.
  - Control building.
  - Sub-station.
  - 3 on site borrow pits (1 existing; 2 new).
  - Temporary site compound area.
  - 5.4km underground cable route to grid network.

- 1.3 The turbines are to be located within and on the western edge of the operational wind farm in a pattern consistent with the existing layout. The Millennium wind farm consists of 26 turbines, 16 of which are 115m to blade tip and 10 of which 125m to blade tip. The proposed 10 Millennium South turbines would be larger at 132m to blade tip. The operational lifespan of the development is 25 years, after which time the site is expected to be decommissioned and restored, unless further consents are secured (re-powering).
- 1.4 The development proposes to utilise the existing access track infrastructure associated with Millennium wind farm. Abnormal loads delivering turbine parts are to arrive at the site access in Glen Moriston from Kyle of Lochalsh using the A87(T) and then A887(T) roads. A new access route direct from the A87(T) road by Munerigie is also proposed for light vehicles (4x4 vehicles) to improve site safety in terms of offering an escape route option in adverse weather (drifting snow).
- 1.5 As the existing grid connection at Millennium wind farm is at capacity, the proposed turbines require a new grid connection. The designed solution is for a link to the proposed wood pole line that will run parallel to the existing tower grid line to the south of Loch Lundie from the Auchterawe sub-station at Fort Augustus. A cable is to be buried from the new turbines to the grid line, where a substation will be set to facilitate the link into the grid network. The substation, which is part of this application, is to be constructed using the existing estate road from A82(T) road at Bridge of Oich. A planning application for enhancement works to the existing estate road may be necessary following the final transport assessment.
- 1.6 The application provides a commitment to additional environmental mitigation through a Habitat Management Plan advancing broadleaf tree planting and blanket bog restoration. The applicant has indicated its willingness to adherence to a Construction and Environmental Management Document (CEMD) to manage all appropriate mitigation during construction.
- 1.7 The development is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). Together with the knowledge and expertise of statutory consultees, there is sufficient information available on the case file to allow the Council to make a judgement on the application.

## **2. SITE DESCRIPTION**

- 2.1 The site is on the south side of Millennium Wind Farm 8km west of Fort Augustus. The ground is upland in nature, with turbines set on south facing slopes principally below "Man a Chroisg" hill top (714m Above Ordnance Datum (AOD)). The turbines are located 400 - 635m (AOD) on ground that is undulating and is of irregular form. Land cover is predominantly heather moorland with areas of grassland, sedges, reeds in wetter areas and alpine plants towards the summits. The moorland land is managed for deer stalking purposes. The lower area of the new access track direct to the A87 comprises commercial woodland.
- 2.2 There are no residential properties within the application site. The nearest house is set about 3.5km from the nearest turbine. The nearest community to the development lies to the south at Glengarry, which hosts a number of small tourist

related businesses including hotels, restaurants, B&B's, holiday houses, camping facilities, etc. The wider countryside is valued for walking for example on the Great Glen Way and other local rights of way / core path routes; climbing; shooting; fishing; canoeing; etc. Such activities are accommodated within the local estates which are farmed, forested and support local crofting.

- 2.3 The upland areas of the site comprise relatively thin soils including dry-heath, wet heath, montaine heath and blanket bog. The lower slopes have more wet heath, blanket bog and peat deposits. The area has relatively high rainfall and winter snow. Water quality in the area is high, with the resource further downstream being used for public water supply serving Invergarry as well as supporting numerous fishing interests. The site drains through a number of streams including the Allt Lundie and Allt Achaidh Luachraich which flow to the south or south east discharging into Loch Garry, the River Garry or River Oich. Two significant lochs, Loch a Bhainne and Loch Lundie lie down hill of the proposed development area. Peat stability assessment has highlighted peat slide "risk" to be low. Much of the site area has the potential to support Ground Water Dependent Terrestrial Ecosystems.
- 2.4 The site carries no nature conservation designations, although Sites of Special Scientific Interest (SSSI's) lie close to the southern ends of the application site comprising the West Inverness-shire Lochs, but at some distance (>1km) from the nearest turbine. A number of protected species (bat, pine martin, reptiles, otter badger and potentially wild cat), birds (common scoter, black throated diver, golden eagle, peregrine falcon, golden plover, dunlin and crossbill) and valued habitat are present within the site and surrounding area.
- 2.5 There is an inventory of known archaeological interests within and adjacent to the development site. This highlights the potential for undiscovered assets to be found, although less so on the upland areas where the proposed turbines are to be located. There is one Listed Building (Bridge) in the wide area (2.3km distance) but no conservation areas, inventory gardens and designated landscapes or historic battlefields within the inner or outer study areas.
- 2.6 The site is not covered by any landscape designations. Assessment of the surrounding area within a 35km distance includes the Cairngorm National Park 27km to the south east, 5 National Scenic Areas (NSA) the nearest of which is Glen Affric NSA to the north; 5 Special Landscape Areas (SLA) the nearest of which includes the Loch Lochy and Loch Onich SLA, Loch Ness and Duntelchaig SLA and Moirdart, Morar and Glen Shiel SLA. From a landscape character perspective the site of this application falls within an area recognised as Rocky Moorland. It has not been identified as wild land in the recent maps produced by SNH. The nearest area of wild land is approximately 10km away to the south of the Great Glen.
- 2.7 When assessing a wind farm development consideration of similar developments around the site is required. The ES highlights windfarms within 35km. The list below highlights projects around this development site that are operational, approved or have been submitted but are not yet determined. A plan highlighting these projects will be circulated with this report.

### Built and / or Consented

Millennium Wind Farm (including extensions 1 & 2)  
Corriemony  
Dunmaglass (under construction)  
Corriegarth (under construction)  
Beinneun (under construction)  
Stronelaig  
Bhlaraidh  
Druim Fada

### Under consideration

Corriegarth (Section 36 – Council has raised no objection).  
Beinn Mhor  
Dell  
Beinneun Extension.

## **3. PLANNING HISTORY**

- 3.1 **11.11.2014** - 132kv Trident Line Fort Augustus - Skye Tee North Of Invergarry – Approved by Scottish Ministers – (14/01961/S37).  
**30.06.2014** - Run-of river hydropower scheme N.E. of Munerigie granted planning permission (Ref 14/01222/FUL).  
**07.08.2009** - Extension to Millennium wind farm deemed planning permission by Scottish Ministers (Ref 09/00019/S36IN).  
**10.01.2008** - Four additional turbines to Millennium wind farm granted planning permission (07/00208/FULIN).  
**12.02.2007** - Hydro-scheme Faichem granted planning permission (Ref 06/00529/FULLO).

## **4. PUBLIC PARTICIPATION**

- 4.1 The application was twice advertised under the provision of Environmental Impact Assessment Regulations. The final representation deadline was 9 September 2014. The ECDU has received 23 representations; all supportive of the proposals. The Council has received one representation of against the proposal.
- 4.2 Material considerations raised in objection are summarised as follows:
- Impact on private water supply.
  - Extra traffic on new access from wind farm and new hydro-scheme.
- 4.3 Matters raised in support of the application are summarised as follows:
- Green / renewable energy.
  - Local economic benefits.
  - Established wind farm location.
- 4.4 The letter of representation is available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

### **Consultations undertaken by the Planning Authority**

- 5.1 Glengarry Community Council has no objection to the application.
- 5.2 Fort Augustus and Glenmoriston Community Council objects to the application. It raises four concerns: -
- Cumulative landscape impact – 4 wind farms consents within 15km radius.
  - Site layout - increasing the density of turbines.
  - Continuing expansion of the original wind farm.
  - Additional access track - unnecessary.
- 5.3 Transport Planning has no objection to the application. The Council's interests in this project relate mainly to the delivery of abnormal loads from Kyle of Lochalsh.
- 5.4 Access Officer has no objection to the application. Request is made for a planning condition to maintain and enhance access rights.
- 5.5 Historic Environment Team has no objection to the application. Request is made for a planning condition to secure a programme of archaeological work on land affected by development and to safeguard known historic features.
- 5.6 Environmental Health has no objection to the application. Request is made for planning conditions to address noise, including cumulative noise issues and to secure best practice construction and environmental management.
- 5.7 Flood Unit has no objection to the application.
- 5.8 Forestry Officer has no objection to the application.

### **Consultation Undertaken by Energy Consent Unit**

- 5.9 Scottish Natural Heritage (SNH) has no objection to the application. A request is made for planning conditions to address key matters in relation the interests of protected species and habitats in this area.
- 5.10 Scottish Environmental Protection Agency (SEPA) has raised an objection to the application. It particularly highlights the lack of justification for the proposed new 4x4 access track, which crosses peatlands and water environment interests including ground water dependant terrestrial eco-systems (GWDTEs). It requests planning conditions to be attached to any consent to ensure approval of the finalised CEMD, buffers from recognised watercourses, track amendments, allowance for micro-siting, etc.
- 5.11 Marine Scotland Science- Freshwater Laboratory (MSS-FL) has no objection to the application. Request is made for a number of issues arising from development

impacts including forestry works to be addressed by condition. It suggests need for a fish monitoring programme and water quality management plan.

- 5.12 Ness District Fishery Board has no objection to the application. Request is made for conditions to secure sampling of water quality and surveys of fish populations including aquatic macro-invertebrates and key habitats.
- 5.13 Historic Scotland has no objection to the application.
- 5.14 Transport Scotland has no objection to the application. Request is made for conditions to secure appropriate traffic management measures to the trunk road network to be used by abnormal loads.
- 5.15 Forestry Commission Scotland (FCS) has no objection to the application. This position is adopted provided compensatory tree planting is secured in lieu of tree loss arising from the new access track and the provision of an updated forest plan to fully explain impacts of harvesting and effects on ancient semi natural woodland.
- 5.16 Halcrow Group has no objection to the application. It requests planning conditions to secure further investigations to sustain the low risk of peat instability / peat slide from construction activity.
- 5.17 Scottish Water has no objection to the application. It highlights a number of considerations which need to be secured to protect drinking water quality from abstractions further downstream. These can be addressed by conditions particularly within Construction and Environmental Management / Pollution Prevention.
- 5.18 Crown Estates has no interests in this area.
- 5.19 Office for Communications (OFCOM) has no interests in this area.
- 5.20 Joint Radio – Links Company (JRC) has no objections to the application.
- 5.21 Defence Infrastructure Organisation has no objection to this application. Request is made for standard aviation condition to require aviation lighting, notification of construction and final siting of turbines.
- 5.22 National Air Traffic Safeguarding (NATS) has no objection to the application.
- 5.23 Civil Aviation Authority (CAA) has no objection to this application. Request is made for standard aviation condition to require aviation lighting, notification of construction start dates and the final siting co-ordinates of turbines.
- 5.24 Highlands and Islands Airports (HIAL) has no objection to the application.
- 5.25 Royal Society for the Protection of Birds (RSPB) has no objection to the application. It seeks only to highlight the cumulative impacts on birds through collisions and displacement.
- 5.26 John Muir Trust objects to the application. It raises concerns regarding the development's impact on Scotland's wild land. It does not support the new site access, which is seen as an unnecessary development within valued peatland.

- 5.27 Mountaineering Council for Scotland objects to the application. It highlights concerns over the cumulative visual impact in an area of outstanding landscape importance. It argues the capacity of this area to absorb the environmental impact of wind farms has been exceeded.
- 5.28 Visit Scotland has no objection to the application. It recommends any potential detrimental impact of the proposed development on tourism, whether visual, environmental or economic, be identified and considered in full.
- 5.29 Scottish Rights of Way Society objects to the application. Its position reflects disagreement with the supporting assessment and concerns over cumulative impact from renewables generally upon recreational users of this countryside.

## **6. DEVELOPMENT PLAN POLICY**

6.1 The following policies are relevant to the assessment of the application

### **Highland-wide Local Development Plan (2012)**

- 6.2
- |           |   |
|-----------|---|
| Policy 28 | Sustainable Development.  |
| Policy 29 | Design, Quality and Place Making.   |
| Policy 31 | Developer Contributions.  |
| Policy 51 | Trees and Development.  |
| Policy 52 | Principle of Development in Woodland.   |
| Policy 55 | Peat and Soils.   |
| Policy 57 | Natural, Built and Cultural Heritage.   |
| Policy 58 | Protected Species.  |
| Policy 59 | Other Important Species.  |
| Policy 60 | Other Important Habitats.   |
| Policy 61 | Landscape.  |
| Policy 64 | Flood Risk.   |
| Policy 67 | Renewable Energy including significant effects on: -  |
|           | <ul style="list-style-type: none"> <li>• Natural, Built and Cultural Heritage</li> <li>• Other Species and Habitat Interests</li> <li>• Landscape and Visual Impact</li> <li>• Amenity at Sensitive Locations</li> <li>• Safety and Amenity of Individuals and Individual Properties</li> <li>• The Water Environment</li> <li>• Safety of Airport, Defence and Emergency Service Operations</li> <li>• The Operational Efficiency of Other Communications</li> <li>• The Quantity and Quality of Public Access</li> <li>• Other Tourism and Recreation Interests</li> <li>• Traffic and Transport Interests</li> </ul> |
| Policy 72 | Pollution.  |
| Policy 77 | Public Access.  |

### **West Highland and Islands Local Plan (2010) (as continued in force)**

6.3 Following the adoption of the HwLDP there are no relevant policies within the West Highland and Islands Local Plan that affects the application site.

## 7. OTHER MATERIAL POLICY CONSIDERATIONS

### **Scottish Government Planning Policy and Guidance**

7.1 The latest SPP sets out continued support for onshore wind. It lists likely considerations to be taken into account, which in summary comprise the following: -

- Net economic impact;
- Contribution to renewable energy targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings;
- Landscape and visual impacts, including wild land;
- Natural heritage;
- Carbon rich soils;
- Public access;
- Historic environment;
- Tourism and recreation;
- Aviation and defence interests;
- Telecommunications
- Road traffic;
- Trunk roads;
- Hydrology and flood risk;
- Decommissioning;
- Energy storage;
- Planning obligations for site restoration.

7.2 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

### **Interim Supplementary Guidance: On-shore Wind Energy (March 2012)**

7.3 The site and turbine envelope falls within an Area of Search requiring proposals to be assessed against the HwLDP, particularly the tests within Policy 67.

### **Highland Renewable Energy Strategy (HRES) (May 2006)**

7.4 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:



- Policy H1 Education and Training
- Policy K1 Community Benefit
- Policy N1 Local Content of Works

## 8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The determining issues for the Council as planning authority responding to this consultation are:
- Does the proposal accord with the development plan?
  - If it does, are there any material considerations for not approving the proposed development?
  - If it does not accord, are there any material considerations for approving the proposed development?

### Assessment

- 8.3 To address the determining issues, the Planning Authority must consider the following:-
- a) Development Plan
  - b) Interim Supplementary Guidance : Onshore Wind Energy.
  - c) Highland Renewable Energy Strategy.
  - d) National Policy.
  - e) Roads, Traffic Impact and Public Access.
  - f) Water, Drainage and Peat.
  - g) Natural Heritage.
  - h) Design.
  - i) Landscape including Cumulative Impact.
  - j) Visual Impact, including Cumulative Impact.
  - k) Cultural Heritage.
  - l) Economic Impact and Tourism.
  - m) Noise.
  - n) Construction Impacts including forestry.
  - o) Aviation Interests.
  - p) Other Material Considerations within representations.

### Development Plan

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP). There are no site specific policies affecting this application site within the Highland and Islands Local Development Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other policies listed at 6.1 of this report are also relevant and the application must be assessed against these also for example Policy 61 - Landscape. These matters all fall within the ambit of Policy 67 and are assessed in

full within a number of material considerations examined within this report.

- 8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

#### Interim Supplementary Guidance – Onshore Wind Energy

- 8.6 The Council has developed Interim Supplementary Guidance to assist with the consideration of onshore wind energy. This is being updated following the updating of SPP in June 2014. The site falls within an “Area of Search” for wind energy requiring the policy to be assessed, as noted above, within Policy 67 of the HwLDP. The Supplementary Guidance expands on the considerations / criteria set out in the Development Plan policy. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

#### Highland Renewable Energy Strategy (HRES)

- 8.7 The Development Plan makes reference to HRES which was developed by the Council to address opportunities presented by a range of Renewable Energy technologies. In particular the document addresses additional benefits from such investment including for example ‘Education and Training,’ ‘Community Benefit’ and ‘Local Content’. These are important considerations when assessing individual project proposals – see later section on economic impact. For the avoidance of any doubt only those parts of the Council’s HRES which are compliant with Scottish Government SPP remain in force.

#### Scottish Planning Policy

- 8.8 The Scottish Government has advised that operational onshore wind energy capacity delivered 46% of Scotland’s gross electricity consumption in 2013. 11.2 GWh was delivered from wind turbines. At the end of 2013, 6,592MW of installed renewable electricity capacity was available. Onshore wind energy projects in operation or approved as of April 2014 in Highland have a capacity to generate 1,660MW, 25% of Scotland’s onshore wind energy. A further 2,500MW has been approved offshore.
- 8.9 The Scottish Government’s recently published its updated policy and advice. This is set out in its National Planning Framework 3 (NPF 3) and Scottish Planning Policy. It advances principal policies on Sustainability and Placemaking, and subject policies on a Successful, Sustainable Place; a Low Carbon Place; a Natural, Resilient Place; and a Connect Place. It remains very supportive of renewable energy development. It continues to highlight that the Development Plan continues to be the starting point of decision making on planning applications. The content of SPP is a material consideration that carries significant weight, although it is for the

decision maker to determine the appropriate weight to be afforded to it in each case. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment. Criteria for the assessment of applications are as listed earlier in this report. These topics, as relevant to this application, are examined within this assessment.

#### Roads, Traffic Impact and Public Access

- 8.10 The development will bring increased traffic onto the trunk road network principally during construction. There would also be short term impact on the local road network and trunk road network as Abnormal Loads (turbines parts) are delivered to the site on the trunk road network between Kyle of Lochalsh and or Corpach and the main northern site access towards the end of the construction stage. The impact would be similar to that experienced during the development of the existing turbines. Delivery issues can be managed and its impact is not seen as being significant. No objection has been raised from the Trunk Roads Network Management Team to the additional 4x4 access on the A87(T) road at Munerigie nor the use of the existing access from the A82(T) road at Bridge of Oich.
- 8.11 Whilst it is accepted that the proposed development will not give rise to any significant environmental impacts on the road networks, both road authorities have requested planning conditions to be attached to any consent to ensure all mitigation measures highlighted both in the ES and in consultee responses are secured. This will include for example development of a detailed Construction Traffic Management Plan (CTMP) to be approved in consultation with the respective roads authorities, police and community representatives. This will ensure that all construction traffic adheres to agreed routing plans and avoid all associated HGV construction traffic passing through Fort Augustus, consistent with other large scale development projects in the area. This will also address the abnormal load for the transformer delivery to the substation via the A82 Bridge of Oich access.
- 8.12 With regard to local rights of way, core paths and general access rights there should be no reason for this development to have an impact on people exercising their rights to the outdoors. Indeed the consequential access tracks provided for the development will bring about some localised improvements. The Land Reform (Scotland) Act 2003 obliges the developer to make good any disturbance to the surface of the core paths with 14 days or a period agreed with the access authority. The Council considers that public access rights should not be deterred or discouraged before, during or after construction, with alternate routes being provided in and around construction activities. In this regard any approval should secure a condition for an Outdoor Access Plan to be approved prior to commencement of the development.

#### Water, Drainage and Peat

- 8.13 The site lies at the top of the watershed of what is a significant water catchment area with valued downstream interests including public / private water supply and fishing. Scottish Water (SW) has highlighted the Aldernaig Burn catchment, within which some of the proposed development lies (6 turbines and 3km of the access track leading to the A87(T) road. SW has not objected to the development as it

recognises that mitigation can be provided to safeguard the water environment from pollution (e.g. fuel spills) and wishes to be involved in the discharging of the final Construction Environmental Management Documents (CEMD) particularly with regard to Drainage Management Plan, Pollution Prevention Plan, Waste Management Plan and the Water Quality Management Plan. With regard to the latter, SW has requested additional requirements including water quality monitoring points on the watercourses within the Aldernaig catchment that could impact on the public water supply abstraction and monitoring at appropriate locations downstream of works and access routes on the tributaries to Loch Lundie and Loch a Bhainne. These can be set as conditions to any consent.

- 8.14 Equally SEPA, Marine Scotland and Ness Fishery Board highlight the importance of maintaining the high quality water resource of the area through the construction and operational phases of these turbines. This also includes recognition of forestry operations on the site, which can affect the “ph” levels of the local water-courses with consequential impact on aquatic species. To address these interests in full all parties have highlighted the need, through planning conditions, for appropriate water quality monitoring and ecological survey’s to assist with an understanding of key issues and to secure monitoring of impacts to safeguard the valued resources. The experience of the existing wind farm development gives comfort that construction can be managed successfully. A water course buffer (set back) of 50m has been agreed with the applicant.
- 8.15 The interests of SEPA extend to a wider remit including the peat resource of the development site and all associated interests including ground water dependant terrestrial eco-systems (GWDTEs) - types of wetlands specifically protected under The Water Framework Directive. The former issue has now been made considerably more significant an issue following the publication of SPP and the priority to advance a Low Carbon agenda. SEPA and Halcrow have highlighted in their consultation response that the project design has sought to avoid areas of deeper peat, where possible, maintaining a low peat-slide risk, etc. SEPA has requested a condition to secure a Peat Management Plan to assist minimising the impact on peat-lands and advice on the handling of peat / peat storage during construction to help maximise the re-use of this material.
- 8.16 Notwithstanding the above SEPA have maintained an objection to the application. The application promotes a new 4x4 track to the south of the site advanced to assist health and safety of service staff exiting this remote location during periods of extreme weather. This new track will incur disturbance to previously undisturbed land including valued peat and 8 GWDTEs, along with two new borrow pits and 5 new watercourse crossings. The track has also been highlighted in the objection from the John Muir Trust. It is clear that the majority of turbines at Millennium are on the opposite side of the hill to that of the principal site access and experience to date has highlighted extreme weather events which can rapidly impact on the site. The provision of south east access track would have operational benefits.

## Natural Heritage

- 8.17 As noted earlier (para 2.4) the site contains no nature conservation designation but lies within 4km of West Inverness-shire Lochs SPA classified for its breeding black throated diver and common scoter. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitat Regulations" apply. The ES highlights that no flights of either common scoter or black-throated diver were recorded during the vantage point surveys and SNH has confirmed this proposal is not likely to have a significant effect on the qualifying interests of the site. The site also contains valued habitat and is likely to be used by a number of European and nationally protected species including otter, wild cat and badger and birds including golden eagle, peregrine falcon, golden plover, dunlin and crossbill. Pre-commencement survey's are requested prior to development working being undertaken.
- 8.18 If consent is given to the proposal SNH has highlighted the need for a number of conditions including a full commitment to a Construction and Environmental Management Document (CEMD). In this manner the following requirements can be secured in addition to the offered mitigation outlined in the support ES: -
- The pre-construction survey for wildcat and otter should be carried out within 500m of the wind farm infrastructure. That all contractors are made aware of the possible presence of wildcat and otter frequenting the site and the law for EPS. Should a holt or denning site be found then all works within 250m of the holt or 200m of a denning site, should stop immediately and our Dingwall office contacted for advice.
  - The contractors should either cover excavations at the end of the day or leave ramps in the excavations to allow animals to escape.
  - A pre-construction bat survey should be undertaken along the route of the access track, including the proposed borrow pit sites.
  - A pre-construction survey for pine marten should be undertaken in suitable habitat.
  - A minimum stand-off distance of 10m is left between the edge of working area and the nearest water vole burrow. A pre-construction survey is undertaken in the vicinity of the works as new burrows could be established by them.
  - The Ecological Clerk of Works is made a full time post which should be given the power to stop construction works if necessary.
  - That a detailed Decommissioning Plan to be drafted and agreed by a certain date.
- 8.20 The ES presents a full schedule of mitigation in response to the anticipated environmental impacts of the development. With regard to key nature conservation interests this includes the development of: -
- A Habitat Management Plan to advance blanket bog restoration; semi-natural woodland planting to assist habitat connectivity with existing woodland areas; fencing of working corridors to minimise the development footprint valued habitats together with micro-siting of development to reduce impacts; pre commencement protected species survey's; and engagement of Ecological Clerk of Works.

- Peatland Management Plan;
- Fish/ micro-invertebrate/ water quality monitoring survey's
- A Deer Management Plan taking into account deer management on neighbouring estates.

8.21 The above noted Peat Management Plan can also be used to assist in the protection of GWDTEs highlighted by SEPA.

### Design

8.22 The project seeks to build on the success of the existing wind farm, which has been extended twice. The initial array for turbines was set high within two local estates, with generous spacing between project elements. Construction experience and turbine technology has moved on, which has allowed the operator consider an intensification of turbines, between existing rows through extension of the site to the south. The undulating form of the land has also allowed a mix of turbines of different maximum tip height to be accommodated. The proposed turbines present a maximum tip height (132m) which is again larger, but in manner which the applicant considers fits with the land form and existing impacts.

8.23 Guidance on the siting and design of wind farms in the landscape is offered by SNH. This highlights key consideration in terms of positioning of turbines in the landscape and how it is perceived from key viewpoints. The design of the current application clearly links with an existing layout and presents an intensified pattern of development. The height difference of the operational wind turbines is considered to be very difficult to perceive, both within the site and in views of the wind farm from the surrounding landscape.

8.24 No significant design concerns have been raised in respect of the proposed pattern of development and turbine size. The proposed turbines have internal transformers consistent with the existing layout. The control and substation building typical design plans have not presented finished details. Planning conditions can be used to allow such matters be submitted prior to construction. The final design requires compliance with good design practices and should reflect local character.

### Landscape Impact Including Cumulative Impact

8.25 The ES recognises that the site falls within the Rocky Moorland (defined by the Lochaber District assessment) and Rugged Massif (defined by the Inverness District assessment) Landscape Character types. It concludes that as these are large landscape character areas on which the operational wind farm has already resulted in localised significant effects, the current proposal would not significantly affect the overall landscape character of this locality. Key landscape interests and or designations lie some distance from the site are not affected by the proposal. These include Special Landscape Areas (SLAs) the nearest of which includes the Loch Lochy and Loch Onich SLA, Loch Ness and Duntelchaig SLA and Moirdart, Morar and Glen Shiel SLA, Cairngorm National Park 27km to the south east and an area of wild land at 10km to the south. These conclusions are not contested. The objection from the John Muir Trust is noted particularly with regard to its comments of impacts on areas of wild land. The impact however is not seen as being significant.

8.26 The proposals adds to the number of turbines in this landscape that have been constructed (Millennium wind farm and its extensions) or approved but not yet built (Beinneun and Bhlaraidh). There are a number of further as yet undetermined proposals including an extension to Beinneun and the Glenmoriston wind farm project which are local to the area and numerous other projects in the wider study area as listed in Para 2.7 above. In addition the 400kw Beaully / Denny line to the east of the site is perceptible. The cumulative effects of these developments are more obvious to walkers and climbers in the surrounding hills, as opposed to travellers on the main road networks and within local communities. The landscape impact is not seen to be significantly adverse with the turbines being located within and adjacent to existing turbines. They would appear in the landscape as a cohesive unit.

#### Visual Impact Including Cumulative Impact

8.27 To assess the impact of the proposal, a Zone of Theoretical Visibility (ZTV) has been drawn up, taking into account the impact of existing turbines, together with photomontages from 20 viewpoints in the surrounding area representing receptors within nearby communities, community facilities, roads, footpaths and hill tops. This highlights only very limited additional visual impact arising from the Millennium South turbines given that the group of existing Millennium turbines sit higher in the landscape. Given the existing visual impact of the Millennium turbines and the separation of the new turbines from local housing communities and routeways, the additional visual impact of the proposed turbines are not seen as being significant.

8.28 The ES advises receptors to the south-west, south and south-east would experience the most noticeable changes to views due to the development being located on the south facing slopes of the wind farm site. The residents of the small housing groups by Aberchalder and people travelling along the A82(T) road in this area (Viewpoint 4), where views are not limited by intervening vegetation. Walkers on the summits of the hills and mountains south of Glen Garry (Viewpoint 11) would experience significant visual effects, as the full extent of the development would be visible and prominent within and on the western edge of the operational wind farm. There may also be some significant views from the Core Path that runs between Fort Augustus and Invergarry, particularly as it passes Loch Lundie, approximately 3.5km south-east of the site. Views would be similar to those from Faichem camp site (Viewpoint 2), but more open. These effects overall would not exceed moderate to substantial adverse visual impact as the development would integrate well with the operational wind farm.

8.29 Views from other visual receptors in the area would either be limited by intervening landform, forestry and woodland, or the operational wind farm would remain more prominent meaning that the development would not be seen as having additional impact. This would particularly be the case in views from Glen Moriston to the north (Viewpoints 1 and 5) and views from Fort Augustus and areas to the east (Viewpoints 7, 8 and 13). SNH has in the past highlighted the importance of Fort Augustus and the Great Glen as visitor destinations and that turbines should not dominate the views from these areas. This proposal will increase the extent of the wind farm in some views. However, much of the additional impacts will be as a

result of infilling rather than increasing the spread of turbines across the views.

- 8.30 Cumulative effects are most likely to arise from the addition of the Millennium South development to the operational Millennium wind farm, the neighbouring approved Beinneun wind farm to the west and the Beauly Denny 400kv Grid connection to the east. There are several more wind farm and hydro schemes in the wider study area however cumulative effects of the addition of Millennium South to these projects would not be significant due to the distances between developments and intervening landform and vegetation. Significant cumulative effects are most likely to be the visual effects experienced by those receptors that would also experience significant stand-alone effects, due to the addition of the Millennium South scheme to the operational Millennium Wind farm and neighbouring schemes.
- 8.31 Receptors include the residents by Aberchalder where views are not limited by intervening vegetation, and walkers on the hills and mountains south of Glen Garry. The Mountaineering Council for Scotland has objected to the proposal highlighting its concerns over cumulative visual impact. This is similar to those raised by the community council. It is clear that from some higher areas to the south of the development there will be clear visibility of turbines from a number of wind farms, however overall there is not significant cumulative impact to many receptors who live, work and or travel through this area.

#### Cultural Heritage

- 8.32 The ES has presented a summary of known heritage assets and highlighted potential areas (lower areas of the site) where unknown heritage may be uncovered. A package of mitigation has been presented with the application to protect known interests and to undertake a watching brief for unknown assets when ground is opened for construction.
- 8.33 Historic Scotland (HS) has highlighted that there are a number of heritage assets within its remit in the vicinity of the proposed development including the Balnacarn township, Fort Augustus-Bernera military road and Tir nan Og cairn. It agrees there will be no significant impacts on the settings of heritage assets within its remit. Similarly the Council's Historic Environment Team (HET) concurs with the findings of the ES. Conditions are requested to mitigate any potential risk to cultural heritage and a detailed walkover survey of the borrow pit area in Kilfinnan Woods following clearance of vegetation.

#### Economic Impact and Tourism

- 8.34 The development is expected to create 40 – 50 short term construction jobs, and 1 or 2 additional full time jobs when operational. That said it is estimated from the project will result in £3m spend locally with a further £12.5m spent in the wider region making positive impacts on the local economy.
- 8.35 The ES highlights that tourism and recreation are important components of the Aird and Loch Ness economy. The area in general is popular for bird watching, cycling, walking and climbing. The moorland, hills and lochs are also used for a range of sports including shooting and angling. At a more local level, there is Loch Garry,



Loch Oich and the Great Glen Way with a network of core paths, as well as traditional holiday destinations. The facilities in the area are considered to be of local significance and of low sensitivity to wider energy development. The potential impact of the proposed wind turbines on tourism and recreation is related to public attitudes towards wind turbines in the landscape and thereby linked closely with the landscape and visual assessment of the proposal.

### Noise

- 8.36 The noise assessment for the application indicates that the predicted noise levels from Millennium South (MS) development, Millennium Wind Farms 1, 2, 3 (M1, 2, 3.) and in addition to the predicted levels from the consented Beinneun wind farm will comply with the simplified ETSU standard of 35dB LA90.
- 8.37 However there is an issue raised by the EHO, given that these are all separately consented developments. Each cannot have individual consents up to the maximum as this would theoretically allow a cumulative level in excess of acceptable noise limits. Consequently as developments are approved, there are clear constraints required on the most recent proposals, such as this application. Operators need to offer mitigation which acknowledges capacity limits in the area and offers its own noise level limits for future calculations of any further turbines and / or re-powering proposals. These matters can be set out as a planning condition attached to any consent.

### Construction Impacts including Forestry

- 8.38 To best manage the likely impacts of major development the Council, together with SNH, SEPA and Marine Scotland Science (MSS) expect developers to adopt a Construction and Environmental Management Document (CEMD) approach to all construction activity to minimise adverse impact upon the local environment/ ecology/ hydrology, etc. This document helps set out in full the offered mitigation as presented with the applicant's ES and as requested or agreed through the assessment of the application. It is an approach (previously named - construction method statements) that has been adopted within the earlier wind farm projects on this site by the developer. This has given confidence for the delivery of best practice construction and environmental management on site.
- 8.39 The CEMD approach set by condition would apply to all construction and restoration works. This will include plans required in respect of habitat management, peat management, fish / water quality monitoring and deer management as requested by statutory agencies for approval prior to implementation. Marine Science Scotland (MSS) in particular has requested the developer establish an up to date baseline fish and macro-invertebrate data in sites likely to be impacted by the proposed development and to outline a fish and macro-invertebrate monitoring programme; draw up an appropriate Water Quality Management plan (WQMP) outlining temporal and spatial sampling details, parameters to be measured and an action plan, should a problem occur; and consider the potential impacts of felling and cumulative impacts of adjacent developments on water quality, fish populations and macro-invertebrates.

- 8.40 The development of the 4x4 access track from the A87(T) road and the associated borrow will utilise tracks through the existing commercial forest. These elements will require the felling of some trees for which compensatory planting will be required under Scottish Government and Council policy. It is expected that this can be managed within the application site and the requirement can be set by condition.

#### Aviation Interests

- 8.41 The project has been assessed against local and national aviation interests. There have been no objections raised within consultations from aviation interests however a request has been made by the MOD for a lighting scheme, which can comprise an infra red solution. On this basis there should be no additional visual impact from the project arising from the required lighting. This can be secured through planning condition.

#### Other Material Considerations within representations

- 8.42 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process.
- 8.43 There are no other relevant material factors highlighted within representations for consideration of this application by the committee.

### **9. CONCLUSION**

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. The project has the potential to provide a further 35MW generation of renewable energy towards Scottish government targets. 23 letters of support have been made for the proposal direct to the ECDU. Three parties consulted by the Energy Consent and Development Unit (ECDU) have objected to the application. One letter of objection has been received by the Council against this application together with an objection from Fort Augustus Community Council.
- 9.2 As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, particular against the policies of the Development Plan. The site falls within an "Area of Search" within the Council's Supplementary Guidance for onshore wind farm development; the default position set out in the guidance once national and local constraints are identified. The applicant has offered a package of mitigation to address particular environmental and construction impacts. Many technical consultees are content with the project subject to planning conditions being put in place to secure the protection of provision of key environmental safeguards. In this manner for example compensatory tree planting and an updated Forestry Plan can be secured in respect of loss of some commercial woodland at the south west access corridor.
- 9.3 SEPA has objected to the application over the impact the 4x4 access track will have on peatlands and GWDTEs. The access track could be dropped from the

application. SEPA does not believe the health and safety reasoning for the 4x4 track is fully justified relative to the adverse impact on valued, previously undisturbed, peatland and 8 areas of GWDTEs. The other concerns highlighted by SEPA can be addressed through planning conditions.

- 9.4 The proposed 4x4 track is 3.7 km in length part of which would use existing forestry tracks, but ultimately would impact on areas of peatland between the commercial woodland and the nearest existing turbine. It will be a matter for the decision-maker of this application to make the call in respect of this objection against policies in SPP. For the Council this objection needs to be assessed against all material considerations and the policies of the development plan. These include policies supportive towards renewable energy and also policies that seek to safeguard the area's natural resources – peatlands and GWDTEs as set out generally within Policy 55, 57 and 60 of the HwLDP. Whilst this is a significant objection to the project overall the benefits of the project would seem to outweigh the loss of peatland arising from the proposed 4x4 track. It is believed the access track could be constructed to minimise impact upon peat and GWDTEs using best practice construction methods as adopted on many construction sites.
- 9.5 The key objection from Fort Augustus CC and the Mountaineering Council for Scotland is the issue of cumulative impact. Clearly there have been a number of wind farm projects approved in the wider area including the large scale project at Stronelairg east of Fort Augustus. However the current impact of Millennium Wind Farm (26 turbines) has not caused significant visual impact for many receptors in the area and the addition of a further 10 slightly larger turbines is not expected to change the degree of visual impact, nor the impact on the landscape. This view takes in to account the consent for the Beinneun Wind Farm which lies west of the Millennium site.
- 9.6 The principal visual and landscape impacts of the development will be as seen from higher ground to the south, particularly from south of the Great Glen. Its impact has not raised concerns in respect of the Cairngorm National Park and the Council's Special Landscape Areas which are mainly focused on the lochs and immediate hills of the Great Glen. With respect of areas of Wild Land, and the objection raised by the John Muir Trust development at Millennium is seen as being sufficiently set away from the area of wild land identified within SPP so as not to have significant adverse impact.
- 9.7 The degree of additional visual impact is seen as being quite limited when the existing Millennium turbines are taken into account. Indeed the impact of the new turbines is considered to be absorbed by the presence of existing turbines. The existence of a wind farm in this location, which already impacts on a wider area, is not justification for further development alone. However if there is an opportunity to have a well design, enlarged cluster, using an existing wind farm access route for construction, this is in many ways preferable to a more dispersed pattern of development.
- 9.8 The consideration of this application by the Council principally lies within the provisions of Policy 67 Renewable Energy Developments of the HwLDP and Policy 55 "Peat and Soils"; Policy 57 "Natural, Built and Cultural Heritage" and Policy 60

“Other Important Habitats” given the particular objection raised by SEPA. The requirement is to consider the likely impacts of the development on the main criteria and then consider if the development as presented is significantly detrimental overall individually or cumulatively with other developments. There are adverse impacts to be taken into account with the application, but the development is also considered to be acceptable on many of the specific criteria set out in the Development Plan. The application is one that can be seen as being located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational onshore wind farms. The application is therefore one which on balance should be supported.

9.9 All relevant matters have been taken into account when appraising this application. It is considered that the proposal overall accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

**Action required before decision issued** N/A

10.2 It is recommended the Council raise no objection to the application subject to the following conditions, reasons and informatives.

### CONDITIONS AND REASONS

1. This planning permission shall expire after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

Reason: Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, re-assessment to be made of the environmental impacts of the development and the success, or otherwise, of species protection, habitat management and other offered mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

2. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 10 turbines to be sited as shown on the site layout Figure 1.2 dated 29/04/2014 as contained within Volume 3 of the Millennium South Wind Farm Environmental Statement. For the avoidance of doubt the turbines, access tracks and crane hard-standing areas may be micro sited but no more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning Authority in consultation with SEPA and SNH. Micro-siting will also be constrained to ensure

50m buffers are retained from all watercourses and areas valued for Ground Water Dependent Terrestrial Ecology.

Reason: In order to clarify the terms of permission.

- 3 No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA. Thereafter and no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA. For the avoidance of doubt, the DRP shall include the removal of all above ground elements of the development, all new (as opposed to existing at the time of the grant of planning permission) access tracks required for the development, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The Decommissioning and Restoration Plan shall be implemented as approved.

Reason: To ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

4. No development shall commence until:
- i. Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 3 of this permission have been submitted to, and approved in writing by, the Planning Authority; and
  - ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
  - iii. Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Wind Farm Operator shall:

- Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- a. conducted by a suitably qualified independent professional; and
- b. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c. approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Wind Farm Operator shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

5. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
  - i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
  - ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning

Authority.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

6. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
  - i. The make, model, design, power rating and sound power levels of the turbines to be used; and
  - ii. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction as already deployed within the existing Millennium Wind Farm.

Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental considerations.

7. For the avoidance of any doubt all wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

Reason: To reduce any ancillary elements to the development in terms of its visual and landscape impacts.

8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines substation buildings / enclosures or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

9. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control, substation buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and

experienced people, to ensure that they are sensitively scaled, sited and designed.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape noise and environmental impact considerations.

- 10 No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:

- a. The date of commencement of the development;
- b. The exact position of the wind turbine towers in latitude and longitude;
- c. A description of all structures over 300 feet high;
- d. The maximum extension height of all construction equipment;
- e. The height above ground level of the tallest structure; and
- f. Details of an infra red aviation lighting scheme as agreed with the MOD, other aviation interests and the Planning Authority.

Reason: -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

- 11 No development shall commence until a scheme for the working of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;

- a) A detailed working method statement;
- b) Details of the handling of any overburden (including peat, soil and rock);
- c) Drainage, including measures to prevent surround areas of peatland from drying out;
- d) A programme of implementation of the works described in the scheme; and
- e) Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on the local amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pits at the end of the construction period.

12. Prior to commencement of deliveries to site the proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority and / or its Operating Company prior to the event. Any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc must similarly be approved.



Reason : To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

13. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

Reason: To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

14. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm has been completed and is fully operational.

Reason: To assist with the provision of mitigation measures to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

15. No development shall be commenced until a detailed Outdoor Access Plan is submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to plan site tracks and paths to maintain public access routes during construction, and to enhance public outdoor access following construction. The Outdoor Access Plan shall be implemented as approved.

Reason: - To ensure public access to the countryside is not unnecessarily impeded as a result of this development, including during its construction.

16. No development shall commence until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, as per a detailed walkover survey of the borrow pit area in Kilfinnan Woods referred to in Section 14.7 (pg.198) of the Millennium South Wind Farm Environmental Statement, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer in accordance with the approved timetable for investigation.

Reason: In order to protect the historic interest of the site.

17. No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning

Authority in consultation with SNH and SEPA. The document shall include provision for :

- An updated Schedule of Mitigation (SM).
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):
  - i. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
  - ii. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment
  - iii. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, deployment of water- crossings using bottomless culverts, surface water drainage management (SUDs) and development buffers (50m minimum) from watercourses, local springs and identified groundwater dependent terrestrial ecosystems. This plan must also highlight water quality monitoring points on the watercourses within the Aldernaig catchment that could impact on the public water supply abstraction and monitoring at appropriate locations downstream of works and access routes on the tributaries to Loch Lundie and Loch a Bhainne
  - iv. Pollution Prevention Plan.
  - v. Site Waste Management Plan.
  - vi. Construction Noise Mitigation Plan.
  - vii. Species Protection Plan advancing: -
    - a. The pre construction survey for wildcat and otter should be carried out within 500m of the wind farm infrastructure. That all contractors are made aware of the possible presence of wildcat and otter frequenting the site and the law for EPS. Should a holt or denning site be found then all works within 250m of the holt or 200m of a denning site, should stop immediately and SNH's Dingwall office contacted for advice. The contractors should either cover excavations at the end of the day or leave ramps in the excavations to allow animals to escape.
    - b. A pre-construction bat survey should be undertaken along the route of the access track, including the proposed borrow pit sites.
    - c. A pre-construction survey for pine marten should be undertaken in suitable habitat.
    - d. A pre-construction survey for water vole is undertaken in the vicinity of the works as new burrows could be established by then. Furthermore that a minimum stand-off distance of 10m is left between the edge of any working area and the nearest water vole burrow.
  - viii. A Habitat Management Plan to advance blanket bog restoration; semi-natural woodland planting to assist habitat connectivity with existing woodland areas; fencing of working corridors to minimise the development footprint valued habitats together with micro-siting of development to reduce impacts (particularly by Turbine 1 to ensure siting away from an area of alpine heath);

- and pre commencement protected species survey's.
- ix. Peatland Management Plan including protection of Ground Water Dependant Terrestrial Eco-systems.
  - x. Pre-commencement fish and micro-invertebrate monitoring survey's and a programme for monitoring the impacts of construction on these valued resources;
  - xi. A Deer Management Plan addressing construction displacement and the impacts this may have on neighbouring estates; and how this will be monitored and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (eg habitat restoration), and seek the optimum outcome for both.
  - xii. Woodland Management Plan highlighting the extent of compensatory tree planting secured in lieu of tree loss arising from the new access track and the provision of an updated forest plan to fully explain impacts of harvesting and effects on ancient semi natural woodland.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
    - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
    - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
    - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
    - iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
    - v. The power to call a halt to development on site where environmental considerations warrant such action.
  - Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
  - Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed CEMD.

Reason: To protect the environment from the construction and operation of the development and secure final detailed information on the delivery of all on-site mitigation projects.

- 18 No development shall commence until the Planning Authority has approved the terms of appointment by the company of an independent and suitably qualified

consultant to assist the Council in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of development to the date of final commissioning.

Reason: To enable the development to be suitably monitored during the construction phase to ensure compliance with the consent issued.

- 19 Final noise condition details - to be agreed.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale

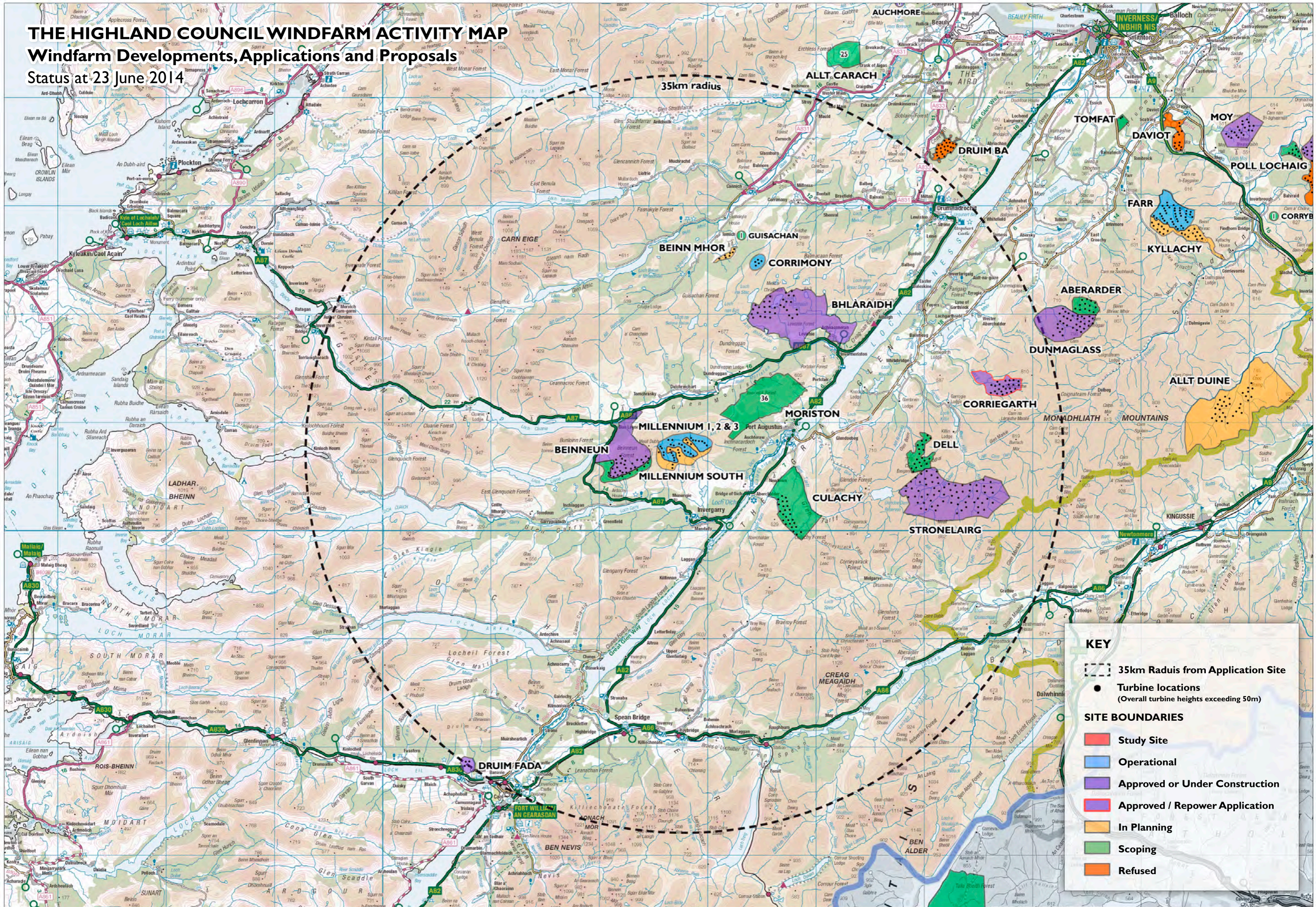
Background Papers: Documents referred to in report and in case file.



# THE HIGHLAND COUNCIL WINDFARM ACTIVITY MAP

## Windfarm Developments, Applications and Proposals

Status at 23 June 2014



**KEY**

- 35km Radius from Application Site
- Turbine locations (Overall turbine heights exceeding 50m)

**SITE BOUNDARIES**

- Study Site
- Operational
- Approved or Under Construction
- Approved / Repower Application
- In Planning
- Scoping
- Refused

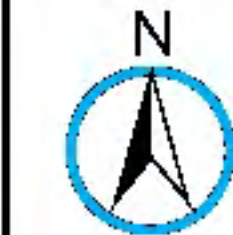


# Millennium South Wind Farm

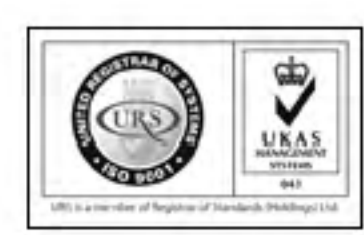


Figure 1-2  
Site Layout Overview

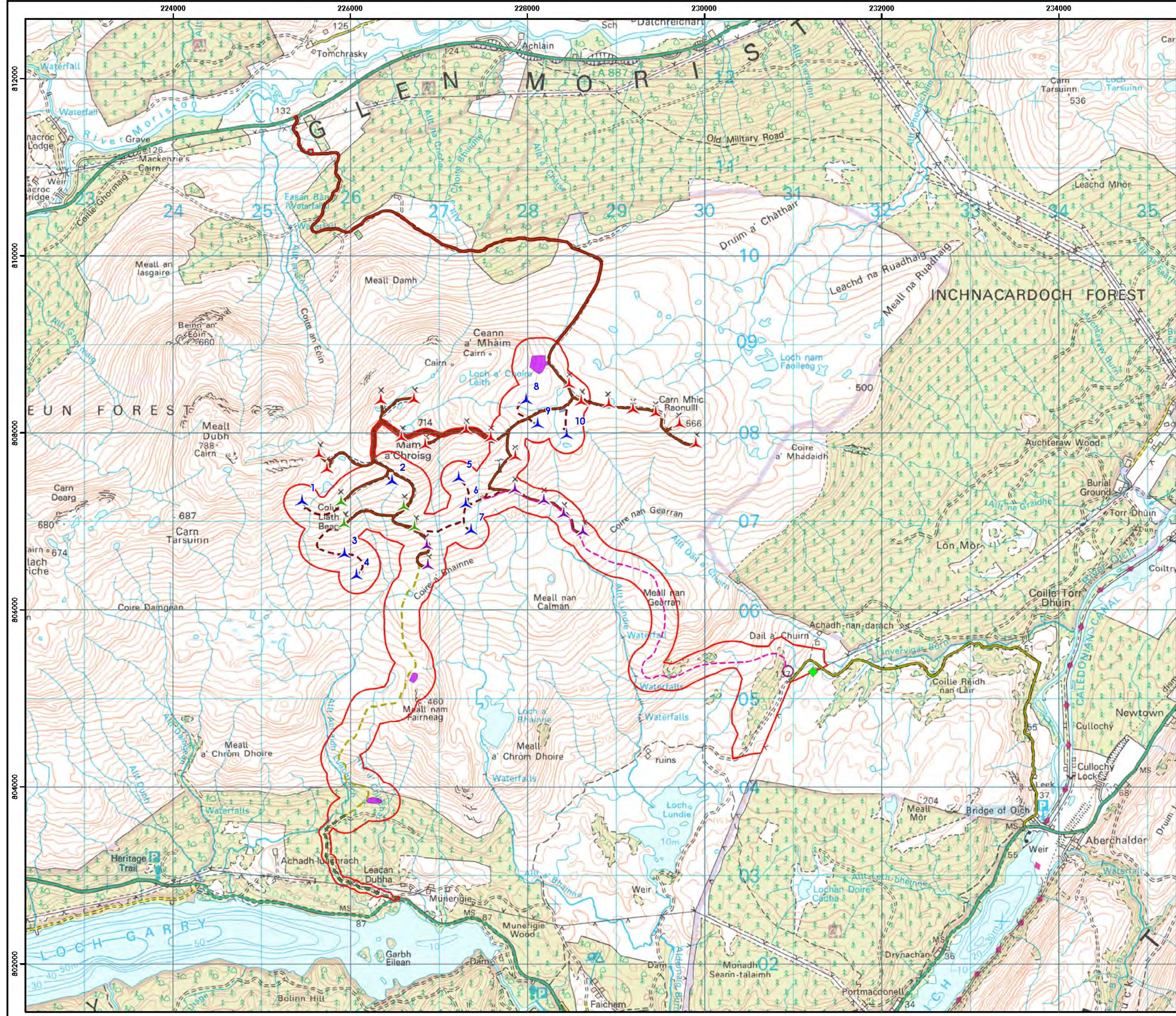
- Key**
- Planning application boundary
  - Proposed turbine location (10)
  - Millennium turbine (16)
  - Millennium I turbine (4)
  - Millennium II turbine (6)
  - Grid connection point
  - Existing northern access track
  - Existing southern forestry access track
  - Existing eastern grid access route
  - New on site access track
  - New southern 4x4 access track
  - Cable route
  - Borrow pit
  - Crane hardstanding
  - Control building
  - Location for proposed substation
  - Existing on site construction compound



Scale @ A3:  
1:40,000



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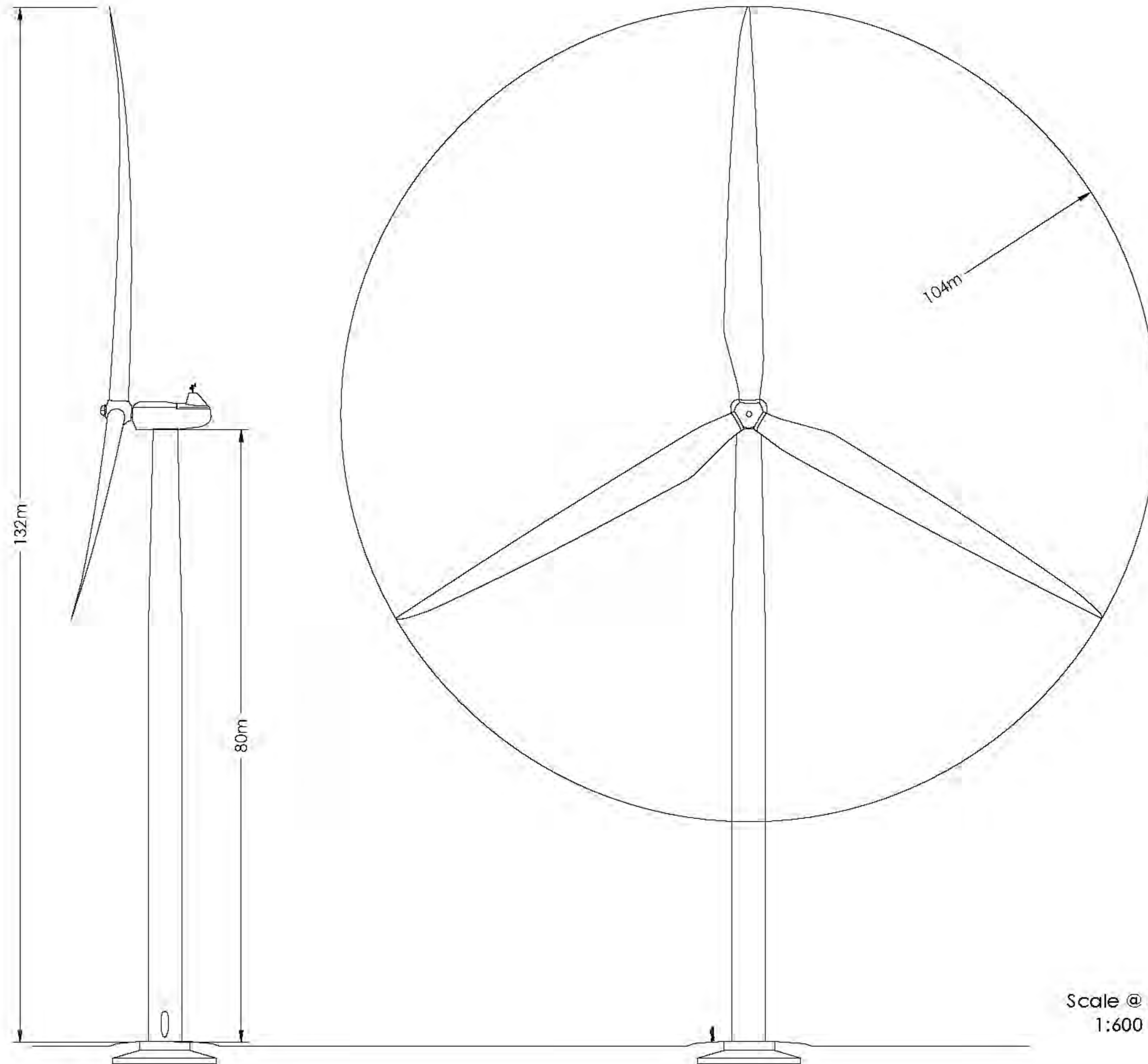


# Millennium South Wind Farm



Figure 3-3a  
Typical Turbine Detail

Notes:  
Candidate turbine is a Senvion 3.4MW





# Millennium South Wind Farm



Figure 6-2a  
Blade Tip Zone of Theoretical  
Visibility and Viewpoint Locations  
35km Radius

### Key

- Landscape Viewpoints
- Millennium South turbine (132 m tip)
- 5km interval turbine buffers

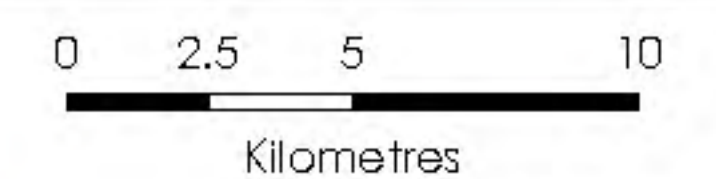
### Theoretical turbine tip visibility

- 1 - 2 turbines visible
- 2 - 4 turbines visible
- 4 - 6 turbines visible
- 6 - 8 turbines visible
- 8 - 10 turbines visible

Generated using Ordnance Survey's Landform Panorama dataset that does not take into account the screening effects of buildings.

Observer height 1.5m above ground.  
Viewshed height modelled 20m above ground.

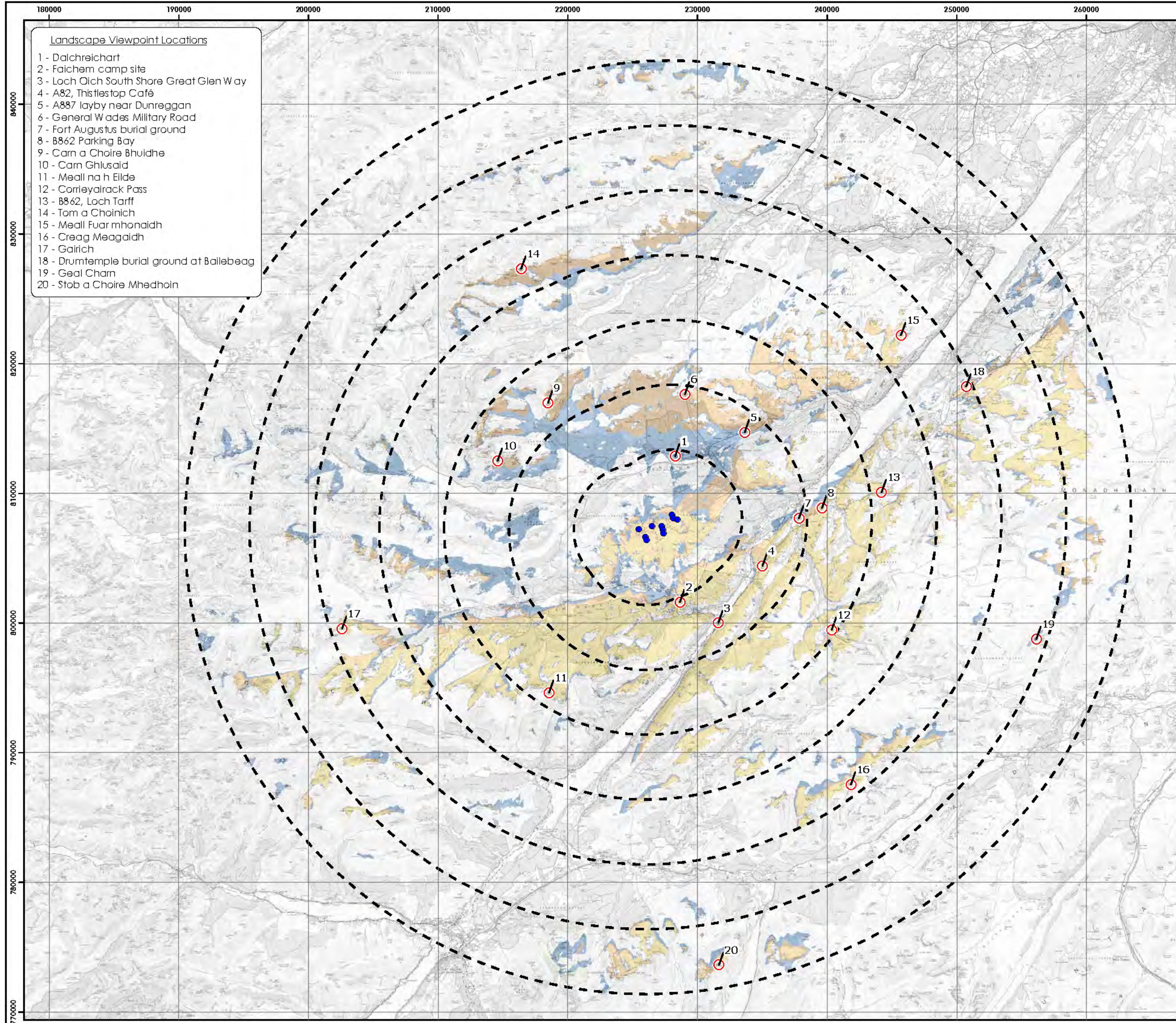
Forestry has been used to screen visibility at a height of 10m using the Ordnance Survey Vectormap District Natural Feature Area dataset.



Scale @ A3:  
1:275,000



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- Landscape Viewpoint Locations
- 1 - Dalchreichart
  - 2 - Faichem camp site
  - 3 - Loch Oich South Shore Great Glen Way
  - 4 - A82, Thistlesop Café
  - 5 - A887 layby near Dunreggan
  - 6 - General Wades Military Road
  - 7 - Fort Augustus burial ground
  - 8 - B862 Parking Bay
  - 9 - Carn a Choire Bhuidhe
  - 10 - Carn Ghlusaid
  - 11 - Meall na h Eilde
  - 12 - Corrieyalrack Pass
  - 13 - B862, Loch Tarff
  - 14 - Tom a Choinich
  - 15 - Meall Fuar mhonaidh
  - 16 - Creag Meagaidh
  - 17 - Gairich
  - 18 - Drumtemple burial ground at Baillebeag
  - 19 - Geal Cham
  - 20 - Stob a Choire Mhedhoin